



State of New Jersey

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Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Commissioner

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Lt. Governor

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Stephanie Vaughn
U.S. Environmental Protection Agency
Region II Headquarters
290 Broadway, 19th Floor East
New York, NY 10007-1866

February 13, 2014

Robert Law
de maximis, inc.
186 Center Street, Suite 290
Clinton, New Jersey 08809

Re: Passaic River Study Area – 17 Mile
SRP PI# 332799
Activity Number Reference: RPC030001

Dear Ms. Vaughn and Mr. Law:

On February 6, 2014, the New Jersey Department of Environmental Protection (NJDEP) participated in the first technical working group meeting for the development of the remedial investigation and risk assessment reports for the 17-Mile Lower Passaic River RI/FS Project. Representatives in attendance included members of the Passaic River remediation teams from the USEPA, Partner Agencies (NOAA, USACE, USFWS and NJDEP) and the Cooperating Parties Group (CPG), along with technical consultants under contract to the USEPA and CPG. During discussion of the CPG's draft concepts for the development of the Human Health Risk Assessment for the Lower Passaic River, the issue of local angler collection of Common Carp was raised by the NJDEP. The CPG requested additional information on this issue, which is provided in this letter.

NJDEP fish advisories prohibit the sale or consumption of any fish or shellfish from below Dundee Dam¹. However, it is known that such advisories (for both finfish and crab) are not always heeded. The NJDEP Office of Science was contacted by Mr. Anthony Marrone, Project Coordinator within the Clifton Parks and Recreation Department, during the past year concerning a potential public health concern observed in the Clifton community. Mr. Marrone reported that a portion of the local population was observed to be regularly fishing the Passaic River and targeting Common Carp for consumption from areas both above and below the Dundee Dam. In response to this situation, the interagency Toxics in Biota Committee (NJDOH, NJDEP, NJDA) prepared brochures to assist in local outreach efforts during this past summer to educate the public on fish consumption concerns. These may be found at: <http://www.state.nj.us/dep/dsr/carp.pdf> and <http://www.state.nj.us/dep/dsr/carp-polish.pdf>. In addition to these pamphlets for distribution, new signs were posted in the area to deter this activity. Attached is a copy of the sign.

Also attached is a photograph taken by Mr. Marrone of anglers with their catch of carp at the Dundee Island Preserve downstream of the Dundee Dam in May 2013. Mr. Marrone reported that, when questioned, the anglers stated they intended to eat their catch. This photograph was subsequently provided to Mr. Bruce Ruppel, NJDEP Office of Science, as part of the Clifton Parks and Recreation Department's request to the NJDEP for outreach assistance.

On February 12, 2014, Anne Hayton, NJDEP, spoke with Mr. Marrone to gather more information on his observations at the Dundee Island Preserve. He verified the information provided above. In addition, he stated his concern for homeless encampments in the area where approximately 20 people are regularly observed. Mr. Marrone stated that they, too, are catching fish, with potential evidence of consuming their catch, based on the presence of grills.


Carp are known to exist almost the full length of the Passaic River, down into the Belleville/Newark area, where changes in salinity are considered to likely limit their downstream range. It is possible that what has been observed in Clifton is occurring in other angler-access areas along the river. Based on site-specific information for both Common Carp range and the reported angler catch/consumption of this species in the Lower Passaic River, the Human Health risk assessment for the Lower Passaic River must address the potential human health risk concerns associated with the illegal capture and consumption of Common Carp. Therefore, the Reasonable Maximum Exposure (RME) for the fish ingestion scenario in the Lower Passaic River risk assessment must incorporate Carp tissue data. This direction was provided to CPG by the USEPA and the NJDEP representatives in attendance during the recent February 6, 2014 project technical meeting.

If there are any further questions on this information, please contact either Bruce Ruppel, NJDEP - Office of Science, at (609) 984-6548 or Anne Hayton (609) 984-9772, NJDEP - Bureau of Environmental Evaluation and Risk Assessment. Mr. Marrone, Clifton Parks and Recreation Department, may be reached at (973) 513-3615.

If you have any questions regarding this document, please contact Jay Nickerson at (609) 633-1448 or by email at jay.nickerson@dep.state.nj.us.

¹ Administrative Order EO-40-19, August 6, 1984: Prohibition against sale or consumption of any fish or shellfish taken from the Passaic River from its mouth upstream to Dundee Dam, and additionally prohibited the sale or consumption of striped bass and blue crabs taken from the Newark Bay, the tidal Hackensack River, Arthur Kill and Kill Van Kull. This prohibition was expanded through new rule adoption N.J.A.C. 7:25f4.11, March 21, 1994: No person shall take or attempt to take any crabs by any means in the Newark Bay Complex."

Sincerely,



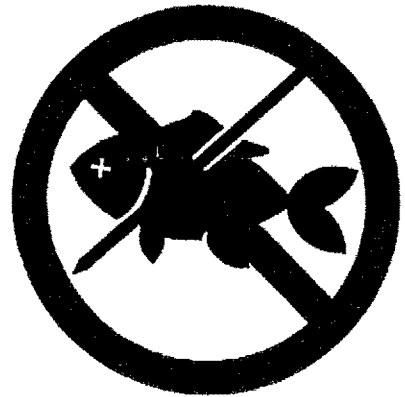
Jay Nickerson
Bureau of Case Management
Site Remediation Program
New Jersey Department of Environmental Protection

Attachments (2)

cc: Anne Hayton, BEERA, NJDEP
Bruce Ruppel, Office of Science, NJDEP
Gary Buchanan, Office of Science, NJDEP
Reyhan Mehran, NOAA
Timothy Kubiak, USFWS
Bryce Wisemiller, USACE
Lisa Baron, USACE

DO NOT EAT THE FISH!

WARNING!



The fish in this river are likely to be contaminated with road runoff pollutants and sewage as well as toxic waste from the river's industrial history.

DO NOT TAKE AND EAT THE FISH FROM THIS RIVER, THEY COULD MAKE YOU SICK!

If you see anyone taking and killing fish or using large nets across the river, please report it by phone to the City of Clifton Health Department (973) 470-5758



Public Health
Prevent. Promote. Protect.

